# GOVERNMENT OF INDIA
# PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
# LOK SABHA

UNSTARRED QUESTION NO:2627
ANSWERED ON:06.12.2000
APPOINTMENT ON COMPASSIONATE GROUNDS
DUKHA BHAGAT;NAWAL KISHORE RAI

**Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:**

(a) the number of cases lying pending for appointment on compassionate grounds as on date, Ministry-wise;

(b) the reasons for pending of these cases;

(c) the steps taken by the Government to expedite disposal of pending cases;

(d) whether order issued by the Ministry vide OM No. 14014/6/95 STHA(D) dated 26.9.95 providing 5% reservation to the dependants of deceased employees will result in large scale additions in the waiting list;

(e) if so, whether the Government propose to increase the reservation quota in this regard;

(f) if so, the details thereof; and (g) if not, the reasons therefor?

## Answer

MINISTER OF STATE OF DEPARTMENT OF PERSONNEL AND TRAINING AND DEPARTMENT OF PENSION AND PENSIONERS` WELFARE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. VASUNDHARA RAJE)

(a) : Under the existing scheme, the power to make compassionate appointments has been decentralised and vests in respective Ministry/Department/Head of Department.As such, information in this regard is not centrally collected/maintained.

(b) & (c) : Appointment on compassionate grounds depends, among other things, on the availabilty of a vacancy for that purpose. The existing scheme provides for consideration of applications received in the previous month during the second week of every month and it envisages grant of compassionate appointment within a year in really deserving cases if vacancy meant for such appointment is available within the prescribed ceiling of 5% of direct recruitment vacancies in Group `C` and `D` posts.

(d) to (g) : There is no reservation for appointment on compassionate grounds. The Superme Court has observedin the case of U.K. Nagpal Vs. State of Haryana and AnilMalik Vs. State of Haryana dated 4.5.1994 (JT 1994(3)SC.525) that`as a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit.

However to this general rule...there are some exceptions carved out in the interests of justice and...one such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood.` The apex court has also observed that `the only ground which can justify the compassionate employment is the penurious condition of the deceased`s famliy ` and it should be offered only as `relief against destitution` and ` it must be remembered in this connection that as against the destitute famliy of the deceased Government servant, `there are millions of other families which are equally, if not more destitute.` Hence a ceiling of 5% has been provided for in our O.M. of 26.9.1995 so that such exceptional appointments to public service which are not based on merit and are also not through open competition are kept to the minimum in accordance with the judgement of the Superme Court in the case of U.K. Nagpal mentioned above. Therefore what is really required is not an increase in the 5% ceiling for compassionate appointment but an effective, fair and just implementation of the existing policy guidelines in this regard.